

REMARKS

Claims 1-27 were pending in the present application. Claims 1-14 have been amended, claim 15 has been canceled, and claim 28 has been added. No new matter has been added. Accordingly, claims 1-14 and 16-28 are currently pending in the present application. Applicants respectfully request reconsideration of the rejected claims in view of the following remarks.

As an initial matter, Applicants acknowledge the Examiner's indication that claims 19-27 are allowable.

Claims 1-5 and 12-13 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Publication No. 2003/0227875 to Wei, *et al.* (hereinafter "Wei"). Applicants respectfully traverse these rejections.

Applicants' claim 1 has been amended to recite "demodulating a first frame of the one or more frames of data based upon a position of the first frame in the sequence of frames." Wei does not disclose this limitation. Rather, Wei uses a counter to keep track of "when a subpacket is received for the terminal but *on some other ARQ channel*" and not its position in the sequence of frames. Wei, para. [0108] (emphasis added). Because of this, Wei cannot anticipate claim 1 because Wei does not disclose "each and every element" as required by 35 U.S.C. § 102(e) for anticipation. *See*, M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631). Accordingly, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of claim 1 be withdrawn.

Claims 2-13 and newly added claim 28 depend from claim 1 and add further limitations. Applicants respectfully submit that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Claim 14 has been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Publication No. 2003/0119452 to Kim, *et al.* (hereinafter "Kim"). Claims 14 and 16 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Publication No. 2004/0160933 to Odenwalder, *et al.* (hereinafter "Odenwalder"). Claims 14 and 17 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Publication No. 2005/0003768 to Laroia, *et al.* (hereinafter "Laroia"). Claims 14 and 18 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Patent No. 6,728,296 to Yung (hereinafter "Yung").

Applicants' claim 14 has been amended to incorporate the substance of claim 15, which the Examiner has indicated contains allowable subject matter. As such, Applicants respectfully request that the 35 U.S.C. § 102(e) rejections be withdrawn, and this claim be passed to allowance.

Claims 16-18 depend from claim 14 and add further limitations. Applicants respectfully submit that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Ron Neerings, Applicants' Attorney, at 972-917-5299 so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge the fee for the Extension of Time and any other fee deemed necessary, or credit any overpayment, to Deposit Account No. 20-0668.

Respectfully submitted,

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Date

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